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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR

USA Commercial Mortgage Company,

Chapter 11

Debtor.

**NOTICE OF HEARING RE
OMNIBUS OBJECTIONS OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE HFAH
CLEAR LAKE LOAN**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

THE USACM LIQUIDATING TRUST IS OBJECTING IN PART TO THE CLAIM THAT YOU FILED. TO THE EXTENT YOUR CLAIM IS BASED UPON AN INVESTMENT IN THE HFAH CLEAR LAKE LOAN, THE USACM TRUST SEEKS TO DISALLOW 80% OF YOUR CLAIM AND ALLOW 20% OF YOUR CLAIM. THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE A COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.

1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
6 **HINDERAKER (520-629-4430).**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the HFAH Clear Lake Loan (with Certificate of Service) (the “Objection”).
10 Your Proof of Claim number and other information regarding your claim is provided in
11 **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has requested that
12 this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
13 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
14 “Bankruptcy Rules”), disallowing 80% and allowing 20% of your Proof of Claim to the
15 extent it is based upon an investment in the HFAH Clear Lake Loan. The Objection will
16 not impact your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 September 30, 2011, at the hour of 9:30 a.m.

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
22 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
23 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
24 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
26 response to the objection must be filed and service must be completed no later than

fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 9, 2011

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)
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Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on August 9, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns
Matt Burns